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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/994,845

11/28/2001

Laurent Labrousse

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1985

7590

08/29/2003

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/994,845

Applicant(s)

LABROUSSE ET AL.

Examiner

Lawrence D Ferguson

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-38 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 13-18, 23 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 9-10, 12, 19-22, 24-25 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the amendment mailed June 11, 2003.

Claims 1-38 were amended rendering claims 1-38 pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 11 and 13-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kiekhaefer et al (U.S. 6,296,188) in view of Takahashi et al. (U.S. 6,261,684).

4. Kiekhaefer shows a patterned transparent /translucent financial transaction card including a material sheet (substrate) and one or more layers of a filter on both sides of the card (column 2, lines 17-27) comprising infrared light reflecting filter and/or white colorants, tints (column 2, lines 57-59), filter dyes (claim 39, column 3, lines 14-28), and dyes with different levels of opacity, which may include opaque or translucent colored layers (ink, graphical elements, background layers) (claims 38-40, 48) which are disposed over the material sheet. The reference shows the invention relates to credit cards (column 1, lines 19-21), which are conventionally known to be plastic. Kiekhaefer

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shows the card operating at a wavelength of 750-1200nm (column 2, lines 28-30).

Kiekhaefer does not specifically show that the infrared-reflecting filter comprises a polyester film as in instant claim 8. Kiekhaefer does not specifically show that the filter is laminated between two sheets of non-opaque material as in instant claim 9. Kiekhaefer does not specifically show that the filter comprises multiple nanolayers with different strengths of reflection as in instant claim 10. Takahashi shows an infrared-reflecting transparent film used for adhering to substrates comprising a clear adhesive layer 4, a polyester IR ray reflecting layer 3 (column 4, lines 1-6), a transparent base film 1, and a hardcoat 2 (Figure 2). It would have been obvious to one of ordinary skill in the art to make the IR reflecting layer of Kiekhaefer with polyester while being laminated on both sides with a non-opaque material because it is known, as shown by Takahashi, that polyester resins are mixed with filter dyes to make effective IR reflection layers. Further, it would have been obvious to make the IR reflecting layer with multiple nanolayers to provide different levels of a desired IR reflection for the card.

### ***Claim Rejections - 35 USC § 103***

5. Claims 1, 3-4, 7-8, 11, 17-18, 23 and 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Lasch et al. (U.S. 6,581,839).

6. Lasch shows a plastic card (column 1, lines 24-30 and column 6, lines 42-48) comprising a base (substrate) containing transparent or translucent plastic layers having multiple features affixed to the card such as text, signature field, holographic foil and

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opacity gradient (column 11, lines 56-67). Lasch teaches the card includes graphic images (column 1, lines 60-67) where the card comprises optically recognizable ink or film with a translucent signature field along with invisible or transparent ink distributed over the cards surface to block or reflect infrared light and transmit all others (column 5, lines 11-30). The reference discloses the use of filter dyes such as UV-Fluorescent or IR-Fluorescent (column 6, lines 41-60) where illumination is between 400-770nm and the infrared ink illuminates at over 770nm (column 7, lines 18-21). Lasch discloses the ink may be applied by printing (column 7, lines 3-17). Lasch discloses color shifts from one color to another along with optical brightening materials added to the card to ensure whiteness in a colorless state (column 8, lines 31-48). The reference discloses polyester in the card (column 8, lines 49-67). Lasch does not explicitly teach the background layer is opaque and white. It would have been obvious to one of ordinary skill in the art to recognize that the white layer is opaque because Lasch teaches the translucent plastic layers have opaque gradients so the card can be recognized by card reading devices (column 11, line 57 through column 12, line 12).

7. Claims 9-10, 12, 19-22, 24-25 and 29-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. The objections to claims 22-23 are withdrawn due to Applicant amending the claims. The Non-Patent Literature Documents cited in the Information Disclosure Statement filed June 20, 2002 has now been considered based on Applicants clarification to the documents being submitted in the parent case. Rejection of claims 1-38 under 35 USC 112, second paragraph, being rendered indefinite is withdrawn due to Applicant amending the claims.

Rejection made under 35 U.S.C. 102(a) as being anticipated by Kiekhaefer is withdrawn due to Amendments made by Applicants and arguments presented by Applicants. Arguments made regarding rejection under 35 U.S.C. 103(a) as being unpatentable over Kiekhaefer in view of Takahashi mailed February 11, 2003 is moot based on grounds of new rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

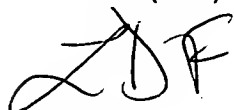
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.



Lawrence D. Ferguson  
Examiner  
Art Unit 1774

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
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